

Jeffrey Isaacs
10312 Orchid Reserve
W Palm Beach FL 33414

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORONAVIRUS REPORTER,
CALID INC,
PRIMARY PRODUCTIONS LLC,
DR. JEFFREY D. ISAACS,
on behalf of themselves and all others similarly
situated

Plaintiffs,

vs.

APPLE INC.,
FEDERAL TRADE COMMISSION

Defendants.

Case No. 3:21-cv-05567-EMC

**NOTICE OF MOTION
FOR RULE 11 & RULE 37 SANCTIONS**

Hearing

Date: March 3, 2022
Time: 1:30PM
Place: Courtroom 5, 17th Floor
(videoconference)

The Honorable Edward M. Chen

NOTICE OF MOTION FOR FRCP RULE 11 & 37 SANCTIONS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that at 1:30PM on Thursday March 3, 2022, or as soon thereafter as possible, in Courtroom 5 of the United States District Court for the Northern District of California at 450 Golden Gate Avenue, San Francisco, and/or by videoconference, Plaintiffs will and hereby do move this Court to apply sanctions to impermissible litigation conduct executed by Defendant Apple and counsel Gibson Dunn & Crutcher.

This motion is made pursuant to Federal Rules of Civil Procedure 11 & 37, and additional witness retaliation United States Code statutory authority described in the Motion Memorandum. This motion is based on this Notice of Motion, the separately filed Motion Memorandum and the Exhibits thereto, and all other papers filed in this action and oral testimony hereby requested, and or other information introduced at the hearing on this motion.

Defendant Apple and counsel Gibson Dunn have directed sustained and repetitive litigation abuse towards Plaintiff Dr. Jeffrey Isaacs during the course of this proceeding. Dr. Isaacs' medical career was set back – for at least a decade – subsequent to what most would call a tragic, violent head injury assault from an intoxicated Dartmouth College student in 1997. Dr. Isaacs, who achieved neuroscience level boards after recovering from his head injury, went on to work under the acclaimed Dr. Robert Roberts on the Coronavirus Reporter App. Dr. Isaacs also invented Web Caller-ID, which is estimated to have saved the US economy over \$100 million by offering free caller ID to consumers.

Gibson Dunn has used Plaintiff's medical history for litigation advantage to deride Dr. Isaacs. During a Meet & Confer regarding this Motion for Sanctions that took place on September 1, 2021, Gibson Dunn laughed at Dr. Isaacs when he asked they refrain from calling him "Mr. Isaacs." The firm intentionally knew his decade long struggle to practice medicine had, and continues to be, a great source of stress for Dr. Isaacs. The firm routinely refers to Dr. Isaacs as "Mr" during pleadings and oral argument, with the intent to harass the Plaintiff and cause him further harm.

Moreover, Gibson Dunn has taken active steps to prevent any chance Dr. Isaacs has at practicing medicine. In pleadings in this case, they issued knowingly false statements of allegations that were acquitted over a decade ago. They also falsely and improperly argued that Dr. Isaacs had not obtained a position working under the esteemed Dr. Roberts, a co-Plaintiff in this case. They engaged in fraud on the Court, blocking Dr. Isaacs from communicating with their firm, on the basis of his medical history Perhaps most egregiously, it appears Gibson Dunn is linked to Apple's spoliation of critical App Store Connect evidence in this case.

This represents Plaintiff's second time seeking evidence spoliation sanctions for being mocked for his medical condition and recourse to federal proceedings. On August 14, 2013, Plaintiff filed for sanctions against Dr. Jim Yong Kim for deleting evidence of such abuse at Dartmouth. As already docketed in this case, that resulted in extensive litigation, and ultimately, the White House terminating Dr. Kim from the World Bank Presidency.

Through an unfortunate and unusual series of events, Gibson Dunn was hired by a university in 2019 to enact political retaliation against Dr. Isaacs for asserting evidence spoliation and related RICO claims.

In what should have been a patent and anti-trust dispute with Apple unrelated to the prior university dispute with Dr. Kim, Gibson Dunn has made concerted efforts to link the case, dissociate Dr. Roberts as a majority shareholder, and victim-shame Dr. Isaacs, an aspiring neurosurgeon.

When Apple retained Gibson Dunn on this case, the litigation abuse against Dr. Isaacs clearly escalated to unacceptable threshold. Apple deleted some thirty days of App Store Connect correspondence regarding the patent infringement matter and Top Ten ranking, in an apparent “homage” to the Rule 37 spoliation directed at Dr. Isaacs back in 2013. Gibson Dunn then unsealed academic records of Dr. Isaacs that had been acquitted, with a plain objective of causing him further unnecessary harm. For reasons asserted herein, Apple and Gibson Dunn’s witness intimidation and witness retaliation directed at Dr. Isaacs is prohibited by United States Code, and is the subject of the foregoing motion.

Submitted on this 18th day of January, 2022.

/s/ Dr. Jeffrey D. Isaacs

Dr. Jeffrey D. Isaacs, *Pro Se*
10312 Orchid Reserve, WPB FL 33412

CERTIFICATE OF SERVICE

I, Jeffrey Isaacs, do declare as follows:

I certify that a copy of the foregoing **NOTICE OF MOTION** was delivered electronically to counsel for the Defendants with counsel, and emailed to those without known counsel.

Executed on this 18th day of January, 2022.

/s/ Dr. Jeffrey D. Isaacs

Dr. Jeffrey D. Isaacs, *Pro Se*
10312 Orchid Reserve, WPB FL 33412